

JUDGE SULLIVAN

10 CIV 9083

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X Case No.

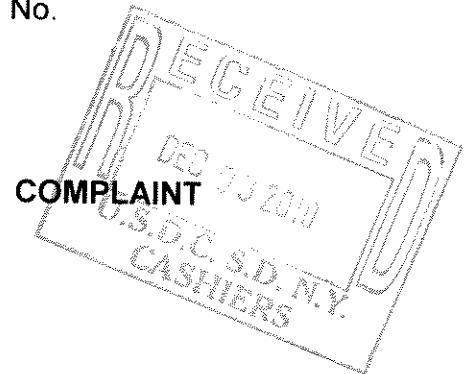
ANNIE DOUGHTY,

Plaintiff,

-against-

CREDITORS FINANCIAL GROUP, LLC.,  
Defendant.

-----X



Plaintiff, by and through her attorneys, FAGENSON & PUGLISI, upon knowledge as to herself and her own acts, and as to all other matters upon information and belief, brings this complaint against the above-named defendant and in support thereof alleges the following:

INTRODUCTION

1. This is an action for damages brought by an individual consumer for defendant's violations of the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692, *et seq* which prohibits debt collectors from engaging in abusive, deceptive and unfair acts and practices. This action is also brought pursuant to New York General Business Law §349 ("NYGBL §349") for defendant's deceptive acts and practices.

PARTIES

2. Plaintiff is a natural person residing in this District and is a consumer as defined by the FDCPA, §1692a(3).

3. Upon information and belief, defendant is a debt collector, as defined pursuant to 15 U.S.C. §1692a(6). Upon information and belief, defendant is a domestic limited liability company incorporated in New York.

#### JURISDICTION AND VENUE

4. This Court has jurisdiction and venue pursuant to 15 U.S.C. § 1692k(d) (FDCPA) and 28 U.S.C. §1331 and supplemental jurisdiction exists over the NYGBL §349 claims pursuant to 28 U.S.C. §1367.

#### AS AND FOR A FIRST CAUSE OF ACTION

5. Plaintiff re-alleges paragraphs 1 to 4 as if fully re-stated herein.

6. That sometime in or around May 2009, plaintiff's attorney, Concetta Puglisi of Fagenson & Puglisi, sent a letter to Chase Card Services ("Chase"), informing Chase that Fagenson & Puglisi represents plaintiff, that plaintiff was disputing the consumer debt alleged to be owed by plaintiff and that plaintiff should not be contacted directly.

7. Thereafter, in response, Chase wrote a letter dated June 17, 2009 to Fagenson & Puglisi, acknowledging receipt of Ms. Puglisi's letter, and enclosing purported verification. A copy of the Chase letter is attached as Exhibit "1".

8. That, thereafter, defendant commenced collecting the debt for Chase.

9. That on or about December 4, 2010, defendant sent a collection letter directly to plaintiff in an attempt to collect the same alleged consumer debt. A copy of said letter is attached as Exhibit "2".

10. That, on information and belief, Chase did inform defendant that plaintiff is represented by an attorney in the matter of the collection of the debt. That defendant did know that plaintiff was represented by counsel.

11. That, in the alternative, defendant did have an obligation to inquire of Chase whether plaintiff has legal representation, which obligation defendant failed to fulfill.

12. That defendant's said letter to plaintiff constitutes improper direct contact with plaintiff with full knowledge that she is represented by counsel in the matter and is in violation of the FDCPA, including but not limited to §1692c(a)(2). Said letter also violates §1692e(10), as a false representation or deceptive means to collect or attempt to collect a debt or to obtain information concerning a consumer.

AS AND FOR A SECOND CAUSE OF ACTION

13. That plaintiff re-alleges paragraphs 1 to 12 as if fully re-stated herein.

14. That each of the deceptive and misleading acts and practices above-mentioned was committed in the conduct of a business, trade or commerce or the furnishing of a service in New York State and constitutes a violation of NYGBL §349.

15. That defendant improperly contacted plaintiff with full knowledge that she is represented by counsel and in so doing violated NYGBL §349.

16. That defendant is therefore in violation of NYGBL §349(a) and liable to the plaintiff under NYGBL §349(h).

WHEREFORE, plaintiff respectfully prays that judgment be entered against defendant as follows:

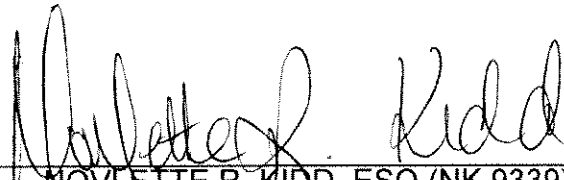
- (a) statutory and actual damages pursuant to 15 U.S.C. §1692k in an amount to be determined at the time of trial;
- (b) statutory and actual damages pursuant to NYGBL §349(h) in an amount to be determined at the time of trial;
- (c) enjoining defendant from further direct contact with plaintiff pursuant to NYGBL §349;

- (d) reasonable attorney's fees, costs and disbursements pursuant to 15 U.S.C. §1692k and NYGBL §349(h); and
- (e) for such other and further relief as may be just and proper.

DEMAND FOR TRIAL BY JURY

Plaintiff requests trial by jury on all issues so triable.

Dated: New York, New York  
December 3, 2010.

A handwritten signature in black ink, appearing to read "Novlette R. Kidd", is written over a horizontal line.

NOVLETTE R. KIDD, ESQ. (NK 9339)  
FAGENSON & PUGLISI  
Attorneys for Plaintiff  
450 Seventh Avenue, Suite 704  
New York, New York 10123  
Telephone: (212)268-2128  
nkidd@fagensonpuglisi.com

**EXHIBIT "1"**

Cardmember Services  
PO Box 15298  
Wilmington, DE 19850-5298

Acct # [REDACTED]  
June 17, 2009  
Page 1 of 8



00524 CRD 001 003 16909 - NNNNNNNNNNN  
FAGENSON & PUGLISI  
CONCETTA PUGLISI  
450 SEVENTH AVENUE  
SUITE 704  
NEW YORK NY 10123



Dear FAGENSON & PUGLISI:

As your credit card company, we value your business. We appreciate the opportunity to respond to your recent request for billing statements.

We have enclosed a copy of your billing statement(s) that is found in our central archival system. If your request included statement copies that are archived in one of our other systems, those copies will be sent to you under separate cover. We hope that you find this information helpful.

If you have any questions about the information reflected in the statement(s), please call Cardmember Service at the toll-free number found on the back of your credit card or on the front of your billing statement. We will be happy to speak with you.

Sincerely,

Cardmember Service

continues

**EXHIBIT "2"**

PO BOX 440290  
AURORA CO 80044-0290



**CREDITORS  
FINANCIAL GROUP, LLC**

**Toll Free: 1-877-298-2251**

RE: Your account with our client  
CHASE BANK, USA, N.A.

Reference No. 7092980 CMP

Date: 12-04-09

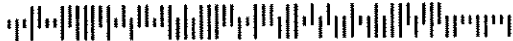
Date of Service: 06-30-09

Account: [REDACTED]

Total Due: [REDACTED]

01-M1

\*A-01-HEO-AM-00824-6



ANNIE DOUGHTY  
825 E 170TH ST APT 5F  
BRONX NY 10459-1344



CREDITORS FINANCIAL GROUP, LLC  
PO BOX 440290  
AURORA CO 80044-0290

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

The above claim for [REDACTED] has been placed with our office for collection.

At this time we are asking that you kindly forward your check or money order, made payable to - Creditors Financial Group, in the enclosed envelope. Should you have any additional questions or wish to make payment arrangements please contact our office at the toll free number listed above.

Respectfully,

Creditors Financial Group

Unless you, the consumer, notify this collection agency within thirty (30) days after receipt of this notice that you dispute the validity of the debt or any portion thereof, the debt will be assumed to be valid by this collection agency. If you, the consumer, notify this collection agency in writing within thirty (30) days after receipt of this notice, that the debt or any portion thereof is disputed, this collection agency will obtain verification of the debt or a copy of a judgment against you and a copy of such verification or judgment will be mailed to you by this collection agency. Upon your written request within thirty (30) days after receipt of this notice this collection agency will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE  
[WWW.COLORADOATTORNEYGENERAL.GOV/CA](http://WWW.COLORADOATTORNEYGENERAL.GOV/CA)

A consumer has the right to request in writing that a debt collector or collection agency cease further communication with the consumer. A written request to cease communication will not prohibit the debt collector or collection agency from taking any other action authorized by law to collect the debt.

This collection agency is licensed in New York City, license number 1131047.

**Creditors Financial Group, LLC**  
3131 South Vaughn Way Ste 110  
Aurora, CO 80014  
303-369-2345

**Office Hours:**  
Monday - Thursday 7:00 am - 7:00 pm  
Friday 7:00 am - 5:00 pm  
Saturday 7:00 am - 12:00 Noon  
Sunday Closed